

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TRACETTE D. HOUSE,
Plaintiff,

v.

INTERLINE BRANDS, INC.,
Defendant.

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CIVIL ACTION NO. H-10-0183

MEMORANDUM AND ORDER


This case is before the Court on Plaintiff Tracette D. House's Application to Proceed Without Prepayment of Fees ("IFP Motion") [Doc. # 50]. An IFP Motion for purposes of appeal must state "the nature of the action, defense or appeal and affiant's belief that he is entitled to redress." 28 U.S.C. § 1915(a). The district court may deny leave to proceed on appeal *in forma pauperis* if the appeal is not taken in good faith. *Cay v. Estelle*, 789 F.2d 318, 326 (5th Cir. 1986). An appeal is taken in good faith if it presents an arguable issue on the merits and therefore is not frivolous. *Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Howard v. King*, 707 F.2d 215, 219 (5th Cir. 1983). The movant is required to demonstrate the existence of a non-frivolous issue for appeal. *See Payne v. Lynaugh*, 843 F.2d 177, 178 (5th Cir. 1988).

In this case, Plaintiff states in her Notice of Appeal that the Court erred "because the order was based on fraud, scheme to defraud with intent by the

Defendants.” *See* Notice of Appeal [Doc. # 46], p. 2. Plaintiff also asserts that the “decision was against great weight of evidence in that no evidence to establish probable cause to believe Plaintiff has no evidence.” *See id.* Finally, Plaintiff asserts that “there was no evidence to justify a reasonable suspicion or probable cause to terminate case and Defendants failed to lay proper predicate for introduction of evidence of Plaintiff.” *See id.* These assertions fail to identify a non-frivolous issue for the appeal. Accordingly, it is hereby

ORDERED that Plaintiff’s IFP Motion [Doc. # 50] is **DENIED**.

SIGNED at Houston, Texas, this 28th day of **July, 2011**.



Nancy F. Atlas
United States District Judge